

RECORD OF DECISION

GARDNER CANYON GYPSUM MINE

USDA FOREST SERVICE REGION 4
UINTA NATIONAL FOREST
SPANISH FORK RANGER DISTRICT
JUAB COUNTY, UTAH

INTRODUCTION

This document contains my decisions regarding a proposal to access outstanding mineral rights within the Mt. Nebo Wilderness to develop an operating gypsum mine in Gardner Canyon.

The following will be determined by this decision:

1. Whether or not to issue a special-use permit for access across National Forest System lands.
2. The location and standards of the access route.
3. Future management of the access route.

This proposal and alternatives to it were analyzed in a Final Environmental Impact Statement (FEIS). The intent of the FEIS is to display the environmental consequences of the proposal and reasonable alternatives to the decisionmaker and the public. It was prepared in accordance with the National Environmental Policy Act (NEPA) and the Council of Environmental Quality (CEQ) regulations for implementing NEPA (40 CFR parts 1500-1508).

FRAMEWORK FOR MY DECISION

The Gardner Canyon Gypsum Mine proposal is complex. The proponent owns mineral rights and the US Government owns the surface - a situation called an outstanding mineral right. The surface of the proponent's mineral rights lies within a Congressionally designated wilderness area - the Mt. Nebo Wilderness. The outstanding mineral rights existed prior to wilderness designation in 1984. The proponent's proposed access route also crosses through this wilderness. Because of this situation, numerous laws and regulations were reviewed to help frame my decision. I am including a review of these laws and regulations because it's important the public understand the context in which I made my decision.

The Wilderness Act - P.L. 88-577.1964. This Act established a National Wilderness Preservation System.

Section 1(c)

"A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have

been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable..."

Section 4(c)

"Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act...there shall be no temporary road, no use of motor vehicles, motorized equipment or motor boats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area."

Section 5(a)

"In any case where State-owned or privately owned land is completely surrounded by National Forest System lands with areas designated by this Act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest..."

Section 5(b)

"In any case where valid mining claims or other valid occupancies are wholly within a designated National Forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area of wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated."

Section 5(c)

"Subject to appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress."

Utah Wilderness Act - P.L. 98-428.1984.

The Utah Wildernes Act was enacted in September 1984. It designated certain National Forest system lands in Utah as wilderness, one of which was the Mt. Nebo Wilderness.

Section 103(a)

"Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with provisions of the Wilderness Act of 1964 (78 Stat. 892)..."

Alaska National Interest Lands Conservation Act.

(ANILCA) (16 U.S.C. 3210) This section is not limited to the State of Alaska but has nationwide application to National Forest System lands.

Sec. 1323.(a)

"Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to nonfederally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: Provided, that

such owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System.”

Revised Statute 2477 (RS 2477). The Act of July 26, 1866, RS 2477, repealed October 21, 1976, provided: “The right-of-way for the construction of highways over public lands, not reserved for public use, is hereby granted.”

Code of Federal Regulations (CFR) Section 36, Part 251. These federal regulations provide direction to the Forest Service relating to access and special use authorization:

Part 251.50(a)

All uses of National Forest System lands are special uses and must be approved by an authorized officer.

Part 251.53

“Special-use authorizations may be issued for: (i) Permits under the Wilderness Act...for temporary structures and commercial services and for access to valid mining claims or other valid occupancies and to surrounded State or private land within designated wilderness.”

“Subject to the terms and conditions contained in this part and in parts 212 and 293 of this chapter, as appropriate, landowners (property owners) shall be authorized such access as the authorized officer deems to be adequate to secure them the reasonable use and enjoyment of their land.”

Part 251.110(g)

“Where there is existing access or a right of access to a property over non-National Forest land or over public roads that is adequate or that can be made adequate, there is no obligation to grant additional access through National Forest System lands.”

Part 251.111

“Adequate access means a route and method of access to non-Federal land that provides for the reasonable use and enjoyment of the non-Federal land consistent with the similarly situated non-Federal and minimizes damage or disturbance to National Forest System lands and resources.”

Part 251.114(a)

“In issuing a special-use authorization for access ... the authorized officer shall authorize only ... modes of access ... that minimize impacts on the Federal resources.”

Part 251.114(f)

“In addition to ensuring that applicable terms and conditions of paragraphs (a) through (e) of this section are met, the authorizing officer, prior to issuing any access authorization, must also ensure that:

(1) The landowner has demonstrated a lack of any existing rights or routes of access available by deed or under State or common law;

(2) The route is so located and constructed as to minimize adverse impacts on soils, fish and wildlife, scenic, cultural, threatened and endangered species, and other values of the Federal land;

(3) The location and method of access is as consistent as reasonably possible with the management of any congressionally designated area and is consistent with Forest Land and Resource Management Plans or the plans are amended to accommodate the access grant,
...

(4) When access routes exist across the adjacent non-Federal lands or the best route as determined by the authorizing officer is across non-Federal lands, the applicant landowner has demonstrated that all legal resource to obtain reasonable access across adjacent non-Federal lands has been exhausted or has little chance of success."

Part 251.114(g)

"In addition to the other requirements of this section, the following factors shall be considered in authorizing access to non-federally owned lands over National Forest System lands which are components of the National Wilderness Preservation Systems;

(1) The use of means of ingress and egress which have been or are being customarily used with respect to similarly situated non-federal land used for similar purposes;

(2) The combination of routes and modes of travel, including non-motorized modes, which will cause the least lasting impact on the wilderness but, at the same time, will permit the reasonable use of the non-federally owned land;

(3) The examination of a voluntary acquisition of land or interests in land by exchange, purchase, or donation to modify or eliminate the need to use wilderness areas for access purposes."

Code of Federal Regulations (CFR) Section 36, Part 293.13. These federal regulations provide Forest Service direction for managing wilderness:

"Persons with valid occupancies wholly within National Forest Wilderness shall be permitted access to such surrounded occupancies by means consistent with the preservation of National Forest Wilderness which have been or are being customarily used with respect to other such occupancies surrounded by National Forest Wilderness. The Forest Service will, when appropriate, issue permits which prescribe the routes of travel to and from the surrounded occupancies, the mode of travel, and other conditions reasonably necessary to preserve the National Forest Wilderness."

DECISIONS BEYOND MY AUTHORITY

The Forest Service does not have authority to make a decision on the type of mining operation or mandate how outstanding mineral development will occur. The mining operation itself is a significant connected (or related) action to the access decision of the Forest Service. As the manager of the surface estate of the subject lands, the Forest Service has the right to negotiate with the proponent binding mitigation and reclamation measures to be incorporated into an authorization agreement issued by the agency before the mining operation may proceed. Where the negotiations fail to result in agreement, the agency is authorized to impose reasonable and binding mitigation measures into the authorization agreement. Because the proponent's mineral rights are privately owned, his operation would be regulated by the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining. Although the Forest Service cannot mandate any decisions about

how the mining operation will be managed, the agency has the responsibility to assure that surface disturbance will be limited to what is reasonably necessary for the proposed operations.

DECISION

After close review of the FEIS, public comments, and applicable laws and regulations, I have decided to implement Alternative B, the Proposed Action, as it is described in the FEIS. This will:

- Allow access to the outstanding mineral rights for mining equipment and ore transportation through Gardner Canyon along the existing unimproved road.
- Allow construction of a gravelled 12-foot wide travel route with turnouts along the existing road alignment. Road drainage will be accomplished by using rolling dips, installing one 16-foot culvert and insloping/outsloping of the roadbed. Two turnouts will be constructed. Road use will be limited to mining activities.
- Allow construction of access roads to ore at the top ridge (within mineral rights). These roads will be constructed on a grade greater than 10 percent, will be 12-feet wide and have adequate drainage.
- The access road will be gated to limit motorized use to only activities required by the mine operation. Drainage structures will be maintained until the road is no longer in use. When the road is no longer necessary for the mine operation, the gravel will be removed, and the road surface reclaimed to contour and revegetated with native species.

Under Alternative B, the gypsum deposits within the mineral rights (the confines of the Macfarlane No. 1 and No. 4 and the Little Doctor patented claims) will be developed using an open-pit mining method. With the exception of access roads, all mining activity will be within the limits of the proponent's mineral rights.

The proponent will be required to obtain all necessary permits or clearances from the State of Utah (i.e., Department of Health for air quality), US Army Corps of Engineers (for activities affecting wetlands or waterways), Mine Safety and Health Administration (MSHA), and US Department of Labor for necessary safety and road use agreements with State or County jurisdiction.

The Forest Service will issue a special-use permit for all surface-disturbing activities outside the mineral right's boundaries. This will include reconstruction on 1 mile of existing access road in Gardner Canyon, 1/2 mile of access road associated with mine operation, and any surface disturbance in conjunction with the proposed project. This permit will address construction and maintenance standards, reclamation requirements, and a reclamation surety provision. The Forest Service, cooperating with the State of Utah, Department of Natural Resources, and the Division of Oil, Gas and Mining, will develop an agreement of binding mitigation measures to be incorporated in the Plan of Operation and the Reclamation Plan. The Forest Service will use this agreement as the authorization of surface disturbance on the mineral rights.

Prior to issuance of a special-use permit, all appropriate permits for mining must be secured from the State and the aforementioned agreement must be in place.

MITIGATION MEASURES

Minimum mitigation measures that are to be addressed in the Plan of Operation and Reclamation Plan are listed in Appendix A. During the negotiation phase for a specific operating plan, additional requirements may be set forth to provide environmental protection.

MONITORING

Monitoring will be required to ensure use of the access road and surface disturbance does not exceed the anticipated impacts and consequences.

Water/Air Quality Monitoring

A water/air quality monitoring plan will be developed and implemented to ensure:

- Compliance with State air and water quality standards
- Timely implementation of practices required to protect water quality and the Gardner Canyon Irrigation Company's water rights
- The surface water drainage plan is implemented and will effectively channel runoff into sediment retention structures to eliminate sediment transport into Gardner Canyon

Utah State, Department of Environmental Quality, Division of Air Quality, Division of Water Quality, in conjunction with the Forest Service will ensure this monitoring is completed.

Mine Operation Monitoring

A mine operation monitoring plan will be developed and implemented to ensure:

- Mitigation measures in the Plan of Operation are successfully implemented
- Reclamation is completed in a successful and timely manner
- Operation of the access road follows the requirements in the permit

Utah State, Division of Oil, Gas and Mining in conjunction with the Forest Service, will ensure this monitoring is completed.

The Forest Service will ensure access road monitoring occurs.

REASONS FOR THE DECISION

The Gardner Canyon Gypsum Mine Proposal is complex and only further complicated by the proposed access route. It deals with private property rights, wilderness preservation and other resource protection. Outstanding mineral rights within wildernesses across the nation continually present dilemmas for management. The challenge of the Forest Service is to respect private property rights while protecting the federally owned surface resource to the fullest extent.

In making my decision I studied the two principal Federal statutes that address the question of access in this situation— the 1964 Wilderness Act and the Alaska National Interest Lands Conservation Act (ANILCA).

The Wilderness Act provides access to privately-owned land completely surrounded by National Forest System lands designated as Wilderness or where valid mining claims or other valid occupancies are wholly within a Wilderness area. While almost all of the proponent's mineral rights lie within the Mt. Nebo Wilderness, a very small part of the outstanding mineral rights extend outside the Forest boundary. Because the mineral right extends outside Wilderness, it is not wholly within.

I then studied ANILCA for guidance in making my decision. Since the proponent's mineral rights are within the boundaries of the National Forest System lands, I determined I must provide access in accordance with ANILCA and the regulations found in 36 CFR Part 251, subpart D.

The Forest Service researched the status of the road in Gardner Canyon and concluded that there is not an RS 2477 right-of-way. This is documented in the Gardner Canyon Road No. 70162 report.

I understand it is physically possible to access the privately owned mineral rights over non-National Forest land, but it is not practicable to provide reasonable access because:

- Without roads constructed on the Forest, the proponent would only be able to access a portion of the mineral rights.
- Of the extent and degree of visual and associated environmental impacts and the cost of right-of-way acquisition and construction.

The Forest Service does not have the authority to mandate how the mineral operations will occur, but it does have the responsibility to assure that surface disturbance over the mineral rights will be limited to what is prudently necessary to carry out the proposed Plan of Operation. The agreement specified in the decision will be used to promote the Federal interest.

In making this decision, not only impacts to the National Forest System lands, but also impacts to Federal resources, State and private land, the city of Nephi and the rights of the proponent have been considered.

In reviewing the Environmental Consequences in Chapter IV of the FEIS, I have determined that all practicable means to avoid or minimize environmental harm, within my authority, have been adopted.

From a visuals perspective, locating the access road in Gardner Canyon will minimize impacts on the Wilderness. The road can only be seen from within the canyon. Dust and noise associated with improvement and use of the existing roadway will also be confined to the canyon. Alternative C will create a much greater impact to the visual resource with the construction of 2 1/4 miles of new road located across open slopes on private and State lands. This access road will be visible from various areas in the Wilderness, as well as Interstate 15, Highway 91, Highway 132, and from the city of Nephi. Due to the location of this road, dust associated with construction and use will be much more visible and intrusive.

Using the road in Gardner Canyon would have a greater direct impact on the Wilderness with reconstruction and improvement of 1 mile of existing road within the Wilderness. This is still less impact than the indirect impact that will occur from the construction and use of the road in Alternative C.

By using the existing roadway, impacts will be minimized to hydrologic resources. The decision limits construction of the access road to the minimum standard necessary for safe travel. Because this road has no cuts or fills, the operator will be able to reclaim the area back to natural conditions after the need for the access no longer exists. Based on this, it is clear the decision will have direct impact on the Wilderness, but less overall lasting impact. Under either alternative, the operating open-pit mine reduces the relative significance of having the access road within the Wilderness.

The decision will not provide a true wilderness environment because the concept of access roads and the operation of mechanized equipment is not consistent with the values of wilderness. The Wilderness Act does provide for this inconsistency regardless of the incompatibility (Section 5 a-c).

My staff diligently pursued voluntary acquisition of the mineral rights by exchange, purchase and third-party donation to eliminate the impact to the Wilderness. These options are addressed in Chapter II of the FEIS. For nearly a year, my staff and the proponent pursued the option of a land exchange but we were unable to reach consensus on land values so a land exchange was unsuccessful.

My decision provides for the proponent to exercise his outstanding mineral rights. Implementation of the mitigation measures will help minimize the disturbance but they will increase the cost of operation. The associated cost of the mitigation may dictate the amount of ore that could be economically mined, but is necessary to provide protection for forest resources.

The decision will have no effect on the viability of the sensitive wildlife and plant species found in the area. The Biological Evaluation and Environmental Consequences in Chapter IV in the FEIS have been reviewed. Recommendations presented in the Biological Evaluation for all sensitive species will be followed.

The Biological Assessment to disclose the effects of proposed activities on threatened and endangered species has also been reviewed. It indicates that no critical habitat is found within the project area and no threatened or endangered species will be affected.

PUBLIC INVOLVEMENT

The results of public involvement and preliminary analysis (documented in an Environmental Assessment) indicated that the proposed action is significant. On November 23, 1990, a Notice of Intent to prepare an EIS was published in the Federal Register. This initiated the formal public involvement process. On December 19, 1990, a public scoping session was held in Provo, Utah. A Draft Environmental Impact Statement (DEIS) was filed March 17, 1992. In February, 1993, the EIS process was stopped, per agreement with the proponent, to allow the Forest Service to pursue the feasibility of a land exchange. In January, 1994, a land exchange was deemed unworkable and the EIS process was resumed. A supplement to the DEIS was filed on August 5, 1994. The supplement to the DEIS was released (due to the time that had lapsed) to disclose details of the land exchange and to update the analysis based on comments received.

The public involvement effort generated a wide variety of issues. Below are significant concerns related to this proposal:

1. Permanent degradation of the physical and biological wilderness resource, as designated by Public Law 98-428.

2. The effect this operation might have on local wildlife habitat, specifically big game winter range.
3. The effect this operation might have on water quality and quantity of the existing water rights which are claimed in Gardner Canyon. The Gardner Canyon Irrigation Company maintains a water collection facility within the bounds of the claims at the base of the area proposed.
4. The proponent's valid outstanding mineral rights. The proponent has the right to both mine and ingress and egress on the mineral rights.
5. Surface resource protection, effects of the ongoing operation, and adequate and timely reclamation.
6. Opportunity to provide jobs and mineral material that will affect the local economy of the area.

ALTERNATIVES CONSIDERED

Alternatives Eliminated From Detailed Study

The following alternatives were considered, but eliminated from further study. Descriptions of these alternatives and their rationale for elimination are in Chapter II of the FEIS:

- Implementation of Federal mining regulations (36 CFR 228)
- Declassification of the affected area (removal of wilderness designation)
- Primitive mining and transport
- Underground mining
- Non-Federal land access (exclusively)

Opportunities for Federal acquisition of the mineral estate were considered. The opportunities are Federal purchase, private acquisition with donation to the Federal Government or a Federal land exchange. These opportunities were displayed but considered to be separate from the access request analysis. The opportunities for Federal acquisition can be pursued at any time. Descriptions of these opportunities are in Chapter II of the FEIS.

Alternatives considered in Detail

The intent was to formulate a range of reasonable alternatives that addressed the issues developed during the public involvement process. The following were considered in detail:

Alternative A

The No Action Alternative is defined as no development of access and mining operation. Under this alternative, the Forest Service would deny the proponent's special-use permit request and

accompanying operating and development plan for the Gypsum Mine Proposal on the Uinta National Forest.

The proponent has private ownership of the mineral estate. The proponent has the right, subject to terms of the deed and state and federal law, to pursue and develop mineral resource. The Forest Service cannot prevent the mining. A decision to preclude mining would require an act of Congress.

The National Environmental Policy Act (NEPA) procedural regulations require the Forest Service to study the No Action Alternative in detail and use it as a baseline for comparing the effects of all other alternatives (CFR 1502.14(d) and Forest Service Handbook 1909.15, 23.1). The No Action Alternative is used in this analysis for comparative purposes.

Alternative B

Require access to the claims for mining equipment and ore transportation through Gardner Canyon along the existing unimproved road. A special use application under this alternative was submitted for access in this location along with a justifying Plan of Operation. The gypsum deposits within said lands (the confines of the Macfarlane No. 1 and No. 4 and the Little Doctor patented claims) would be developed using an open-pit mining method. A special-use permit for road improvements and surface use would be issued by the Forest Service. The permit would authorize construction of a gravelled 12-foot wide travel route with turnouts along the existing road alignment. Road drainage would be accomplished by using rolling dips, installing one 16-foot culvert and insloping/outsloping of the roadbed. Two turnouts would be constructed. Road use would be limited to mining activities. The permit would specify construction standards, use periods, maintenance requirements and reclamation procedures upon termination of use. The permit would also authorize work access roads to reach ore at the top of the ridge (within said lands). These roads would be constructed on a grade greater than 10 percent, 12 feet wide and have adequate drainage. With the exception of access roads, all mining activity would be confined within the limits of the proponent's mineral rights (the patented claims).

Alternative C

Develop a non-wilderness access route to said lands. The main access road would be outside of National Forest System land (Wilderness) to the south of said lands with the exception of about 200 feet which would be within designated wilderness. This would require construction of an access road from the ridge above Gardner Canyon down to County roads which access Red Canyon. The exact location of this road has not yet been determined but an estimated 2.25 miles of new road construction would be required, at an estimated cost of \$45,000 per mile. Approximately 1/2 mile of secondary access road to reach various points of operation on subject lands (allowing reasonable use of property) would be constructed on National Forest System lands. A right-of-way would be acquired based on terms of the deed across private and Utah State Division of Wildlife Resources lands.

The mining method would be at the proponent's discretion, permitted by the State and could vary from year to year. All ore would be hauled from the mineral rights over the proposed road.

The life of the project, as in Alternative B, would depend on the amount of gypsum present and the economics of mining the deposit.

The secondary road construction and operation which would occur on National Forest System land would be permitted with a special-use permit as described in Alternative B (no access would be permitted from the bottom of Gardner Canyon). Only that access needed to realize full use of the property right would be permitted.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

Alternative A (No Action) is the environmentally preferred alternative. Implementation of this alternative would result in little or no ground disturbing activities in the short term.

FINDING REQUIRED BY OTHER LAWS

The Forest Plan has been reviewed and a determination made that this decision is consistent with the Uinta Forest Plan. Action in this project complies with goals of the Forest Plan, the Management Area direction and Forest-wide standards and guidelines.


Goals in the Forest Plan are listed on pages 3-20. Forest-wide standards and guidelines are on pages 3-144,145,152,77-80. The management area involved is on pages 3-209 thru 219 and 3-163 thru 172.

IMPLEMENTATION DATE AND APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to 36 CFR 215.7. A written Notice of Appeal must be postmarked within 45 days after the date this notice is published in the Provo Daily Herald, Provo, Utah. The Notice of Appeal should be sent to, USDA, Forest Service, Intermountain Region, ATTN: Appeals Deciding Officer, 324 25th Street, Ogden, Utah 84401.

Appeals must meet content requirements of 36 CFR 215.14. For further information on this decision, contact Tom Tidwell, District Ranger, Spanish Fork Ranger District, at (801)798-3571.

If no appeal is received, implementation of this decision may occur on, but not before, 5 business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.



PETER W. KARP
Forest Supervisor
Uinta National Forest
88 West 100 North
Provo, Utah 84601

3/6/95

Date

APPENDIX A MITIGATION AND MONITORING

The following are minimum mitigation needs to be addressed in the Plan of Operation and the Reclamation Plan:

- An agreement requiring submission of an annual Operating Plan identifying foreseeable changes from the previous year's operation.
- Construction and operation activities conducted according to State air quality standards.
- Dust abatement on unpaved access routes, construction mining areas and haul roads (entire mining operation).
- An engineering structural stability analysis to determine allowable height of the pit walls. Drainage ditches and structures built around the pit and approved top soil stockpile locations and overburden dumps. Drainage needs incorporated along the proposed road locations to intercept surface runoff and reduce erosion and sedimentation.
- Adequate provisions to protect existing water rights. Net loss of wetlands will not be allowed. This includes the involvement of Gardner Canyon Irrigation Company.
- A surface water drainage plan in coordination with the Uinta National Forest, to ensure runoff is effectively channeled into sediment retention structures, which will eliminate overland mud flows and reduce soil erosion and sedimentation into Gardner Canyon.
- Petroleum products and chemicals stored in durable or impermeable containers. A hazardous material contingency plan prepared, implemented and enforced to protect water quality.
- Equipment service areas located away from streams to prevent contamination.
- A program to regularly monitor water quality in Gardner Canyon.
- All waste oil and petroleum products removed and disposed of according to State and Federal regulations.
- Garbage and solid waste disposed of in approved sanitation landfills within the Nephi area.
- Timely concurrent reclamation to mitigate impacts to visual resources. Native species used to revegetate and reclaim disturbed sites.
- Prudent design and operation to stabilize and minimize cut slopes and disturbed areas. Mitigate visual impacts of open-pit operation.
- The work area kept clean at all times. All refuse regularly removed from National Forest System land.

- All improvements and equipment removed when no longer necessary to the operation.
- An operating period from May 15 to November 15 established for use of the surface to recover privately-owned minerals.
- Wildlife habitat restoration for big game winter range. If impacts cannot be mitigated on site, then they will be provided for at a nearby location.
- Cut and fill slopes of new haul roads revegetated to decrease sedimentation potential. Cut slopes specified by the Forest Service, based on material type.
- Exploration and haul roads reclaimed when no longer needed for access.
- Forest Service approved dust suppressant applied to roads annually during active operation.
- Topsoil stockpiled and respread over disturbed areas where feasible.
- A detailed reclamation plan based on post-mining land uses (described during the Gardner Canyon gypsum mine environmental analysis) completed by the proponent and approved by the Forest Service prior to project initiation.
- Follow reclamation practices outlined in Section R647-4 of the State of Utah and Department of Oil, Gas and Mining regulations.
- Intensive surface revegetation efforts on any landslides which are attributed to mining activity.
- Seasonal shutdown provisions for temporary reclamation to mitigate erosion, runoff and sedimentation problems.
- Signs placed at appropriate locations explaining the mining activity and advising visitors of safety precautions. Precautions will be incorporated into the operation as a result of securing necessary State and Federal permits. Reclamation requirements will include provisions for achieving a safe condition consistent with local environmental conditions.